

# EXHIBIT H

**TUCKER ELLIS & WEST LLP**  
**MEMORANDUM**


May 5, 2010

**TO:** File  
**FROM:** Richard Dean  
**RE:** Digitek® Litigation  
**SUBJECT:** Meeting with Fred Thompson and Carl Frankovitch

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Matt and I met with Carl and Fred on May 5, 2010 to discuss settlement issues.





There was a good deal of discussion about fee levels and Fred said that he would be flexible here but there needed to be a reasonable relationship to the overall settlement amount and that usually the attorneys fees were within 12-24% of the class settlement.